IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4635 OF 2005

Pravin Appasaheb Deshmukh ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. N.N.Gawankar with Mr. Arfan Sait for the Applicant.
Mr. U.V. Nikam, A.P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : JULY 25, 2005.

P.C.:

1. Heard Advocate appearing for the Applicant and the learned A.P.P. for the State. The offences alleged against the Applicant and other co-accused are under section 143, 147, 148, 149, 307 and 356 of the Indian Penal Code and Sections 3 and 25 of the Arms Act.

2. The learned Advocate for the Applicant submitted that the injured has not ascribed any role to the Applicant. The injured has named the co-accused who have assaulted him by a sword and a knife. He submitted that the Applicant was at the relevant time attending a meeting of Union Of Maharashtra State Transport Employees. The learned A.P.P. submitted that apart from the first informant, one independent witness has named the Applicant and therefore, Anticipatory Bail should not be granted as recovery of weapon is to be made.

3. I have considered the submissions. The first informant as well as one more witness have stated that

the Applicant was present at the time of incident and was carrying a knife. In the first part of the statement of the first informant specific role is not ascribed. In the second part he has stated that the Applicant alongwith others who were carrying weapons acted in conspiracy. The first informant has also stated that the Applicant was carrying a knife. Considering the gravity of allegations, it cannot be said that custodial interrogation of the Applicant is not necessary. Hence, no case is made out for Anticipatory Bail. Application is rejected.

4. The learned Counsel appearing for the Applicant states that the Applicant's daughter is unwell and therefore, some time be granted to surrender. The prayer is oppossed by learned A.P.P. Considering the facts and circumstances of the case, time is granted to the Applicant to surrender before the Investigating Officer till 31st July, 2005, subject to condition that in the meanwhile the Applicant will attend the concerned Police Station as and when called upon to do so.

. Parties to act upon an authenticated copy of this order.

JUDGE